

Speak up & be heard

CONSUMER REGISTER lists summaries of major consumer proposals before Federal agencies. If you wish to submit written comments, include your name & address, state the name & *Federal Register* citation of the proposal on which you are commenting and explain your views briefly & clearly.

Interstate land sales

Housing & Urban Development Dept.'s (HUD) new regulations under the Full Disclosure Act will go into effect Dec. 1. HUD's Office of Interstate Land Sales Registration, which regulates the land development industry, will enforce the regulations.

Designed to protect consumers by curbing abuses common to some segments of the industry, the new regulations pertain to advertising as well as sales practices of land developers. Goal of the regulations is to offer the potential land buyer more specific & substantive information concerning the property that is being offered for sale.

The new regulations include these highlights:

- Developers' advertising must reflect the true character & conditions of the property & must also state that HUD has not passed judgment on the property's value.
- If advertising says that property can be divided & subdivided, it must explain costs & feasibility.
- In the property report that must be given to the buyer, the first page must be overprinted in large red letters with this warning: "PURCHASER SHOULD READ THIS DOCUMENT BEFORE SIGNING ANYTHING."
- The property report must disclose records of law suits as well as health department or disciplinary actions that have been taken against the developer.
- Property report must include statement of any "special risk factors"—such as the facts that the future value of the property is not assured or that resale may be limited by certain restrictions, which must be enumerated.
- Developer must provide both HUD & the potential buyer with specific & detailed data on the developer's financial standing & financing plans.
- Developer must disclose to buyer whether a building permit is required.
- If no engineering report or bacteriological report on the water supply is available, the developer must specify to the buyer that there is no assurance that either the quality or the quantity of the water supply is adequate.
- Developer must make specific disclosures concerning availability of utilities, sewage, year-round fire protection & flood insurance. Details must be given about whose responsibility it is to provide these services, assurances that they will be provided & what costs will accrue to the buyer.
- Developer must make specific disclosures to the potential buyer concerning physical access by car as well as legal access.
- Developer's personnel may not tell a potential buyer that lots "are selling fast" if this is not actually the case.
- Before a potential buyer can waive his right to void certain contracts within 48 hours, he must be given a separate document containing a "waiver of revocation rights." (This action is designed to protect the buyer from signing such a waiver without being aware of it.)
- A potential buyer must be advised whether he is

liable for the full amount of the contract if he defaults.

The entire set of new regulations reflect HUD's experience during the past year of intensified enforcement of the Full Disclosure Act. The regulations also stem from hearings held last year in 17 cities about land developers' abuses & from a hearing last June on proposed new regulations under the Full Disclosure Act.

Details—*Federal Register*: Sept. 4, page 23866; CONSUMER REGISTER: June 1 & Oct. 1, 1972; CONSUMER NEWS: July 1, 1972, page 2.

Tomatoes

Agriculture Dept. has announced revised standards for grades of fresh tomatoes. The regulation becomes effective Dec. 1.

Included in the regulation is a revised schedule of tomato sizes. The primary change is a new size schedule for tomatoes & clarification of the definition of "mature" tomatoes. Minimum & maximum diameter measurements are established for the following 6 sizes: extra small, small, medium, large, extra large & maximum large. These measurements will be used chiefly in wholesale & will not directly affect the size or labeling of tomatoes reaching consumers.

Requirements for various grades of tomatoes remain the same as in previous standards & are as follows:

- U.S. No. 1—Must all have similar varietal characteristics; must be mature; may not be overripe or soft; must be clean, well developed, fairly well formed & fairly smooth. Also, must be free from decay, freezing injury, sunscald & not damaged by any other cause.
- U.S. No. 2—Requirements are similar to U.S. No. 1 except that tomatoes are required to be "reasonably well formed", "not more than slightly rough" & "not seriously damaged by any other cause."
- U.S. No. 3—Requirements are similar to U.S. No. 1 & U.S. No. 2 except that tomatoes may be misshapen.
- U.S. Combination—This grade allows for a combination of U.S. No. 1 & U.S. No. 2 tomatoes, provided that at least 60% must meet requirements of U.S. No. 1.

Also, an expanded definition of "mature" tomatoes states specifically that the tomato must have reached a stage of development that would insure proper completion of the ripening process. Regulation also gives color classifications that may be used if tomatoes are mature.

Details—*Federal Register*: Sept. 5, page 23931; CONSUMER REGISTER: May 15.

Frozen carrots

Oct. 31 is deadline for comments on Agriculture Dept.'s proposal to amend standards for frozen carrots in the U.S. Grade A size & shape classification.

Agriculture has considered a request by American Frozen Food Institute, a trade association, to increase the amount of allowable diameter variation from 50% (the

present standard) to 100% in U.S. Grade A (U.S. Fancy) whole style frozen carrots. This would permit the largest carrot to be twice as thick as the smallest carrot in the package; under the present regulation, the largest carrot may be only half again as thick as the smallest carrot.

Agriculture says that since Grade A whole carrots are presently quite small, the appearance & eating quality of the carrots would not be noticeably affected by the proposed change.

In addition to whole carrots, Agriculture is proposing to include halved & quartered styles of frozen carrots in the extended size variation.

Details—*Federal Register*: Sept. 10, page 23654. Send comments to Hearing Clerk, Agriculture Dept., Washington, DC 20250.

Frozen asparagus

Oct. 31 is deadline for comments on Agriculture Dept.'s proposed change in its grades for frozen asparagus. American Frozen Food Institute, a trade association, requested Agriculture to change the grade standards in regard to defect classifications.

Present grade standards, which have been in effect since April 8, 1970, state that tough fiber development in the asparagus stalk of an inch or less is a "minor" defect; tough fiber between 1 & 2 inches is classified as a "major" defect; fiber over 2 inches is a "severe" defect. The trade association requested that the "minor" category be eliminated & that any tough fiber be classified as at least a major defect.

Agriculture's proposed changes would comprise the association's modifications. Agriculture agrees with the association that more restrictions on this defect is justified because tough fiber adversely affects the eating quality of asparagus. Reclassification would reduce the amount of tough fiber that would be permitted in U.S. Grade A & U.S. Grade B frozen asparagus.

Details—*Federal Register*: Sept. 11, page 24910. Send comments to Hearing Clerk, Agriculture Dept., Washington, DC 20250.

Nutrition for elderly

Health, Education & Welfare Dept. (HEW) has announced steps to speed up low-cost meals to older Americans under the Nutrition Program for the Elderly.

HEW's amended program permits states to fund nutrition projects for a maximum of 90 days even if they do not comply fully with certain previously announced requirements of the program. (HEW has temporarily suspended the requirements for project staffing & provi-

sion of social services; these requirements are to be put into effect later.) HEW's emphasis now is getting meals quickly to those needing them.

State projects funded under the nutrition program will provide low cost hot meals at least 5 days a week for persons 60 years or older & their spouses.

Details—*Federal Register*: Sept. 11, page 24900; Aug. 19, 1972, page 16844; *CONSUMER REGISTER*: Sept. 15, 1972. Further information may be obtained from the agency working with older Americans in each state.

Microwave ovens

Consumers Union, an independent, nonprofit organization that tests & rates consumer goods & services, has asked Food & Drug Administration (FDA) to change the performance standards for microwave ovens.

The requested changes would require the following:

- More stringent test methods for determining how much microwave emission takes place (a) when the oven is operating with a simulated load & (b) when it is operating empty.

- Testing for possible emission rays when there are slight gaps in the oven door (such as particles of food or a paper towel).

- Permanent warning labels & instructions on the front exterior of the oven as follows:

1. DO NOT operate oven when empty.
2. CAUTION—Microwave radiation may cause pacemaker interference. Persons with pacemaker implants should not be or remain in the same room where this microwave oven is operating.
3. After each use—(1) unplug oven & (2) check to see that door seal & inside surfaces of door & oven cavity are clean.
4. DO NOT put face close to door window when oven is operating.
5. KEEP OUT OF REACH OF CHILDREN. DO NOT permit young children to operate this oven.

(Regarding Warning 2 concerning pacemakers, FDA says there are other interferences besides microwave ovens that can affect the performance of pacemakers, such as electric mixers, shavers & vacuum cleaners.)

A final decision on whether to amend the regulations will not be made by FDA until the Technical Electronic Product Radiation Safety Standards Committee reviews Consumers Union's request. The committee will meet 9 a.m. Nov. 9 at Twinbrook Building, 10270 Twinbrook Parkway, Rockville, MD. The meeting will be open to the public.

Details—*Federal Register*: Sept. 13, page 25462. Consumers may get a free copy of the Consumers Union petition by requesting it from Bureau of Radiological Health, RH 440, 5600 Fishers Lane, Rockville, MD 20852.

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